

Public Notice – Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (Board) is considering the approval of six Total Maximum Daily Load (TMDL) reports and four TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate Water Quality Management Plans (WQMPs).

Purpose of notice: The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve six TMDL reports and four TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: June 8, 2009 to July 7, 2009

Description of proposed action: DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

Affected Waterbodies and Localities:

Potomac River & Shenandoah River Basins:

1. *“Monroe Bay, Monroe Creek Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Contamination”*
 - 1 bacteria TMDL, located in Westmoreland County, proposes bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations
2. *“Total Maximum Daily Load Report for Shellfish Areas Listed Due to Bacteria Contamination in Upper Machodoc Creek”*
 - 3 bacteria TMDL, located in King George County, propose bacteria reductions for portions of the watershed to address VDH Shellfish Area Condemnations

In the James River Basin:

3. *“Bacteria Total Maximum Daily Load Development for Mill Creek and Powhatan Creek”*
 - 3 bacteria TMDLs, located in James City County, propose bacteria reductions for portions of the watersheds to address a primary contact (swimming use) impairment

In the Roanoke River Basin:

- 4 & 5. *“Bacteria TMDLs for the Dan River Water Shed” modifications (2)*
 - 15 bacteria TMDLs, located in Pittsylvania, Henry, Halifax and Mecklenburg, Franklin, Floyd, Carroll, and Patrick Counties, propose bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments

In the Chesapeake Bay-Small Coastal-Eastern Shore Basin:

6. *“Total Maximum Daily Load Report for Shellfish Areas Listed Due to Bacteria Contamination – Barlow and Jacobus Creeks”*
 - 3 bacteria TMDLs, located in Northampton County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations
7. *“Total Maximum Daily Load Report for Shellfish Areas Listed Due to Bacteria Contamination – Indian, Tabbs, Dyer, and Antipoin Creeks”*
 - 6 bacteria TMDLs, located in Northumberland and Lancaster Counties, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations

In the Rappahannock River Basin:

8. *“Total Maximum Daily Load Report for Shellfish Areas Listed Due to Bacteria Contamination – Oyster Creek and Mosquito Creek”*
 - 2 bacteria TMDLs, located in Lancaster County, propose bacteria reductions for portions of the watersheds to address VDH Shellfish Area Condemnations
9. *“Bacteria TMDL for Robinson River and Dark Run” modification*
 - 1 bacteria TMDLs, located in Madison County, proposes bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments

10. *"Bacteria TMDLs for Mountain Run and Mine Run, Orange County, Virginia" modification*
•1 bacteria TMDLs, located in Madison County, proposes bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

David S. Lazarus; Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218

Phone: (804) 698-4299. E-mail: david.lazarus@deq.virginia.gov FAX: (804) 698-4116